G. R. S. IX-5]

Previous references. 1897-98

~~191~~

(L. R.)

Later references.

309

File No. 1 of 1897

Serial Nos. 1—6.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—6

Major ~~Part~~ B for October 1900.

SUBJECT.

~~Right~~ Claim of Venkatamma for the refund of the sale amount of Amarai produce at Jogyanahalli, Chintamani ~~Taluk produce at~~

To

The Dy. Commr. Kolar dist,
The Supdt. Revenue Survey
in Mysore.

No. 3389-90 / Jl. 315 dt 25/10/1900.

Indexed
SS
Commissioner

Proceedings regarding the claim of one Venkatamma for the refund of the sale proceeds of Amarai produce of trees standing in Survey No. 22 at Jogyanahalli Village, Chintamani Tq.

W.O. 88—G.P.B.—60,000—24-7-16

Revenue

~~CHIEF SECRETARY'S~~ OFFICE.

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT.

Remission of Rs 10/4 to be granted in Chintamani Taluk for the year 1896/97 under the head Amanay.

LAST REFERENCE.

Letter No. 607 dated 7/2/97
297

from Under Commissioner, Kolar

In the settlement of the Taluk of Chintamani, Kolar District, in 1887-88 old Nos 37, 40, 38 & 39 of Jogiyanahalli village, Bunagamalla Holeli were clubbed together as no 22 and assessed at Rs 11-4-4 old Nos 37 & 40 were measuring A-4 0-12 and assessed at Rs 1-4-0 were in the occupancy of one Venkatamma the ancestor prior to the Sur-

Le Hlemeth. Ilpiyan asked
in the Faisal Pattinkattu
as the Khatedar of the
old no 87 & 40 perfected
to take up the entire field
no 22 on the full assessment,
the assessment has been
written off & the landlord
treated as Kharab,
there being a house
on it. Venkatanna
admitted before
the Amildar of the Taluk
that he gave no pecuniary
consideration when he was
asked whether he
take up the entire no 22
on full assessment, during
the Lekkhemeth & that the
land was consequently
brought under Kharab.
(vide Amildar's perfmt
no 223 of July 92) Soon
after this, the said Venkatanna
petitioned to the Dy Collector
that either the whole land
or even so much as we as

in

This tope consists partly
of trees planted
by Venkatanna
on his maji nos
occupied by him
& partly of mango
& other trees on
other land
included in
pot. no 22

so long as he occupies
prior to the settlement shall
be assessed & given to him
or that his right to enjoy
the produce of the trees
in the tope & to take the
dead trees on condition
of replacing them, should
be established, in consid-
-eration of his having planted the trees
in the tope. As the applicant
pleaded inability to
pay up the full assessment
from the time of planting
the tope as directed in
chief Commrs order no
66-21-8—75 dated 12/3/80
the question of giving over
the land on full assessment
was dropped & his
right to enjoy the pro-
-duce of the trees recorded
in the Faisal Patrika
in pursuance of the order
of the Deputy Commr no

No 124 dated the 5th May 93.
This tope used to be, three
furlongs excluded
from the annual sale
of the village Amaravaji.
But in 1896 (97) this tope
was included in the village
Amaravaji. This was
represented to the authorities
by the Inam of Venkatamah
as the Cattle had by these
trees destroyed, & on some
Correspondence between
the Taluk Amildar
& the Asst Collr in
charge of the Taluk, it
was ordered by the latter
that the proportionate
amount of Rs 10/- be
refunded paid to the
applicant out of the
Sale proceeds & an
intimation statement
submitted for this
amount; as the full
amount of Amaravaji

× The Sanction
of this order is
questionable.
When the entire
No. was treated
as kharab &
no private
right recognized
at the settlement,
the Cattle had (and
irrelevant) No
trees on it
became the
property of
Govt.

× Do

had been brought under demand for that year.

A remission statement has been submitted accordingly in Form 3 of Govt. Rec: no: 12534-44/R7116-92 of 24/1/95, it is observed that the subd of Rec: Survey has stated that such rights of the planters have been recorded in the Faisal Patrika; but in the Faisal Patrika in respect of the land in question no such record of the survey rights is found except that of the order of the Deputy Comm. The Vernacular records do not show whether the rights of the applicant have been intimated to the survey department & recognised by them.

In the meanwhile a
similar question ~~arose~~
of the establishment of
Venkatamma's pension
arose in 1891 & in ~~order~~ enforcement
no 22 of 18/9/91 issued
from the Taluk, in pursuance
of the order of the Deputy
Commr he was duly
informed that on his
himself & minor children
his pension had ~~were~~ not been
interfered with. There remained
nothing to be done in
the matter.

The said Venkatamma
repeated his application
from time to time for
the grant of the land
on full assessment.
This was referred to the
Supdt of Revenue Survey
who called for certain
additional information.
Results of this being done
attended to, ~~the~~ correspondence and after
~~proto~~ between the Taluk

Taluk and District Offices
it was finally
ordered by the Lokayukta
Commn on 21/3/96 that
this question could not be
reopened as the
applicant prefered to
take up the land during
the settlement had been
recorded in the Faisal
Pattika. Again in
the deposition of the
said Venkatarama Rao
before the Asst Commn
made on 30/6/97, it is
stated that the ground
of the land is not
desired by him.

Secretary.

Submitted for orders.

Unless & until
it is settled that
the tope on the 2 main
Rds. should be treated
as a private tope,
the applicant cannot
buy

Re Claim of Mr Brodum
of Mr Lees etc.

The Surveyor may
be required to place
himself in Communication with the Supt of Rev Survey & submit a further report in the matter.

E L 9/2/99

Mr. Smith is away, & will receive Letter -

1372/99.

Ended 15/2/99
Close

The Dy: Commissioner was accordingly requested to obtain a further report, ~~in connection with the Supt of Revenue Survey~~.

'Legs' docket No: 5635
R 2750
R 17.2.99.

In reply, the Dy. Commr reports as follows:-

No: 5373 R 24.6.99
1111

"The Supt. of Rev: Survey "observes, that the Khateedar "Venkatamma who enjoyed "Maji: Inm 37 & 40 declined "the occupancy at the time "of the Settlement, and the

"Commissioner officer brought
"the whole of the Rd. No. 22 under
"Khasrah. This, he considers,
"deprived all him of the Majid
"holder, and the said Agents
"send his further request
"to pay up the assessment
"over the portion for the previous
"years this entitled him
"to the said right."

The Dy. Commr. adds that
the party relies on the Financial
Assistant Commr's order
No. 1067 of 1st Sept. 1891 assigning
him right. The order is as
follows:—
"Plus the petitioner's claim
-ing the Tamarind produce
in question or is it being
included the Sircar's share?
As regards the latter, both
the petitioner's depositions like
makes it plain that it did
not belong to Govt. Nothing
further remains to be done.
An endorsement may be
given to petitioner informing
him of this."

SV,

Office Asst
Comm.
21.9.94.

Deputy Commissioner

10

2

While submitting the papers for orders again I thought it would be better to avoid repeating submission of this badly written note and to request Vyasa Rao to prepare a better fair note - Kindly see my direction on the 1st fair note -

The fact has been filled by pursuing the line of intermediate correspondence -

As regards carelessness & delay I am sorry for the remark - Vyasa Rao is one of my best clerks - He has a very clear head and works conscientiously I have often utilized his services for urgent & important work even in out of office hours - and I also

forced him walking
2 roads. He has
never said a
word about the
above remarks.
I submit these
lines on my own
motion.

JL
1/10/64

I take the blame
on myself - delays
there has been -
and I should have
looked into it -
I shall try my
best to submit
more carefully
written notes -

JL 1/10/64

Decca-Thackeray
6/10/64

12

Dewan's

SECRETARY'S OFFICE.

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT. Remission of Rs 3/- to be granted in the Chintamani Taluk for the year 1896-97, under the head "Amrayi."

LAST REFERENCE Letter No. 5373 dated 29.6.97.
1111

from the Dy Commissioner,
Kolar District.

Prior to the Survey Settlement of the Chintamani Taluk, which took place in the year 1887-88, Maji Nos 37 and 40, measuring 2 Kadas and 1½ Padis, were in the occupancy of one Venkatarama. The lands were, as shown in the Jamabandi Baki accounts, assessed at garden rates and an

an assessment of annas 14 was imposed upon them.

The occupants of these numbers had raised a hedge fence consisting of tamarind and other trees, and was in the enjoyment of their produce.

The adjoining Maji Nos 35, 38 and 39 also contained some trees, which were planted by one Venkadamma, grandfather of Venkatanna.

During the Survey Settlement, Maji Numbers 37 and 40 were found to measure 12 guntas and were assessed at Re 1/-. From the Mutation Entries and Official Papers, it appears that Venkatanna refused to take up these lands. Consequently, all the maji Nos 35, 37, 38, 39 and 40 were clubbed together

Vide Appendix Book.

× 20. Tamarind trees.
8 Mango "
3 Ala "
6. Honge "
3 Jali "
40

12. Mango.
30 Honge.
4. Tamarind.
1 Ala.
1. Neri.
. Jali.
49

Vide Tippani Orde.

together and formed into Survey No. 22, measuring A-G 1-32 situate at Kharal of 35 guntas, and assessed at Rs 11/-. But as the Survey No. contained a tope, it was treated as Kharab and the assessment thereon was written off.

Vide Khaisal Pabrik.

(On) the 12th December 1937, Vandekaima petitioned the Dy Commr, stating that he did not refuse to take up the maji Nos 37 and 40, that though he offered to take them up, they were included in Survey No. 22 and brought under Kharab, and that he had spent about Rs 500/- to reclaim the tope; and requested that either the whole Survey No. 22 might be given to him on assessment, or that only that portion

marked with a slip.

35, 38 and 39 were included
~~in~~ in the ~~Mr~~ Maji sale.
Venkadamma, in his ~~petition~~ x
given before the Amildar,
acknowledged that he
was enjoying the produce
of the trees existing on
Maji Nos. 37 and 40 and
~~either~~
requested that he might
~~either~~ be allowed to enjoy
the produce of the trees
planted by him on Maji
Nos 37 & 40, or ~~be given~~
that this portion of the
land or the field Nos
22 might be given to
him on assessment. But
he refused to pay the
price of the trees planted
by his father. ~~or~~ or to pay
the Kandayam thereon from
the time of planting the
topic. It was then ordered x
by the Head Amildar,
that as the petitioner

x marked with a slip.

x Nos 36, 37, 38, 39, 40. marked with a slip.

x only N. Pommachandra Rao.

Renewed

himself acknowledged that he was enjoying the produce of the tope planted by him, nothing need be done in the matter. The endorsement to this effect was issued to Venkatarama

In the year 1882 Venkatarama again applied for the grant of the whole of Sir No. 22 on full assessment. He was ~~encouraged~~ by his putting in petitions every nine & then repeating this request. But the Survey Commissioner finally ordered in 1896, that the question could not be reopened as the applicant had refused to take up the land during the Survey Settlement and his appeal had been recorded in the Official Patrike.

As per orders of 1896, Venkatarama was in the enjoyment

* Vide petition marked with a slip.

No. 45 of 21. 3. 96. marked with a slip.

enjoyment of the produce of the trees pounded by him i.e. trees existing, on margi No. 37 and 40, and this being was excluded from the annual Amanaji sale of the village.

But in 1896-97, the produce of the said trees was included in the Amanaji sale, which fetched Rs 16-3-3. Gopalappa, son of Venkatamma, who had died in the mean time, represented the matter to the Dy Comm.r. On further enquiry in the matter, the Asst Comm.r* ordered that an amount of Rs 10/- out of the amount realized by the Amanaji sale should be paid to the applicant. The same was accordingly paid and the Dy Comm.r in his letter No. 3500/1025 dy 7th April 898 submitted for

* Mr. Abdul Azeez.

* No. 704 dy 22.11.97. marked with slip.

20

sanction of remission of Rs
for Rs 10/-. The remainder proj
were incomplete and no comple
records were called for in docket. N
dated 26.5.1898. They were su
omitted with ~~his~~ letter No 1049
292 d
in this office under
No 5635
82750
dated the Dy Comm
asked to please furnish
in explanation on
the subject of Rev: Survey
and Settlement officer
in the matter.

The Dy Comm
report that the said
Rev: Survey is of opin
that as the Khasadar
major Nos 37 and 40 g
the occupancy at t
time of the settlemen
and as the whole Sur No
22 was in occupancy
brought under Kha
the said Khasadar ha
no lien on the 12 gunt
of land, which was i
his holding and that
the Khasadar's refusa
to pay with the excess

Memo a/c case
here Memo on
in connection with
Appl. from 19 Mahajan
& 172 Sadhus
for the release
further rental
Copies of
Order passed
recovered
29-9-99
Add - Please
file with
No 1/10/99

Letter No 5372
dated 29.6.99.

portion for the previous
are disentitled him to
said right. The Dy.
Commr further states that
he remarks in the Patent
Book dated conferring
grievance of the Dee Saj[illegible],
although the land
was brought under
taste, the individual
seems to have been e[illegible]
paying the produce
the trees ever since
the authority of the
real chief Commr's
ter of 1891 and that
was perhaps under
such considerations, the
previous Dy. Commr
ought it necessary to
submit a revision
settlement.

The question arose when
The Ayloni's Office Docket
No. 3500 to 25-B 19.4.98
was

DR

Revised - With a remun
Statement submitted for
sanction - The party
has got back Rs: 10/
out of the sale proceed
of 1896-97. While the
amount stands in
cluded in the total
demand for the yea
The present DR
Court calls it a case
of refund -
In accordance
with the present asp
of the case, Sopalappa
has no right either
to the tope or
nor: 37 & 40 or
produce
No case for re
has been made ou
On the other h
Sopalappa should
properly speaking be
called upon to
refund the value
of the benefits der
by him since the
suit: sold in
1887.

Submitted &
Secretary
21/9/88

Ruled & Memo 2-Dec.

No case for any refund entire exemption claim made out -

6-10-0

59.

Read back from the 2d Councillor on 7/9/00

Submitted 1st Councillor 11/9/00

9.900

certify - The records disclose local irregularities which might then and there have been corrected. The Surveyor's Report before me is sufficient to show that the individual concerned in regard to the [illegible] land as surveyed & measured - This proceeding puts at this title if any was terminated & he had no right whatever thereafter to the trees or [illegible] the produce - The right to the trees was first granted and then the right to the [illegible] was reappointed or rather acquired in. Such indirect and irregular orders led to further assumptions of right when a declaration of the error should be considered in this form - All these irregularities should have been put a stop to at once - The applicant has no right to the land or the trees. He abandoned what he claimed. No refund can be sanctioned

9.X.00

Surveyor

Drafted

Rs.
20.4.98 N
Rec'd 21/4
1 K. Chenk. Nayar
6 - 5 -
Revenue Board's Proc. No.
12534-44 Dated 30-3-98
2874
Rec'd
31.3.98.

Examined with draft for approval:
20/5/98

Section Cir. 17
File No 1 of 97
Serial No 1

REVENUE DEPARTMENT
Gl. No. 7619
APR 4499
DEWAN'S OFFICE

Gen. 31.] 1898

From Rao Bahadur Commissioner Nanjangud

To

The Secretary to the Government of Mysore.

Revenue Circle Assistant Nanjangud.

Dated 19th April

Despatched

Received

General No. 3500 3/1897-98

No. 1025

Enclosure No. 1 + a file of Case papers.

Sir

With reference to Circular Proceedings No. 12534-44 dated 30th March 1898 on the subject noted in the margin, I have the honour to report that the Circular Enquiries have been made in connection with the cases and the results are furnished for reference and record in the returns.

I have &c.

Commissioner

Section C R
File No 3797
Serial No 2

Head Correspondence

To, The Dy Commissioner,

Kolar Dt.

No 11175 Dt 26/5/98.
R. 3732/26.

Re: I.V.P.

His docket No 3500/1025.
dated 19th April 1898
Submitting for sanction
a statement showing
particulars of remission of Rs 10/- to be
granted under Land
Revenue in the Chintamani
Taluk.

In returning the Circular records received with the above letter I have to state that the original Conveyance endorsement No. 22 14-9-91 granted to Basavalli Venkatappa by the Amildar of Chintamani & the papers enclosing the

Necessary Papers
for the Patel Service
are received herewith

23/5/98

Advised Mr. Nobin
Mr. Secretary
23/5/98 Issued
Mr. Nobin
23/5
Issued
23
-5-98-

thereon are not forth-
coming. So also the
further Correspondence
with the Superintendent,
Remount Survey in all cases,
in Continuation of his
Circ. No. 1256 of 25th October
1892. The Commissioners
is requested to ~~put them~~
~~before the above mentioned~~
Submit these
as soon as possible
~~and Tabulate~~
~~the Returns as early~~
~~as possible~~
Instructions will issue

By Order

23/9/98

Secretary

Dy
21/5/98

Gen. 31.] 4

REVENUE DEPARTMENT
Gl. No. 1865
SEP 10 1898
No 1258
DIWAN'S OFFICE

1898-99

From The Deputy Commissioner
Kolar District

To

The Secretary to the
Government of Mysore.
Revenue & General Departments
Bangalore —

Section C.R.

File No 1207

Serial No 5

Dated 7.9.98

Despatched 8.9.98

Received

General No. 1079

No. 292

Enclosure No. 1 File

Submitting additional records for remission of Rs 10 to be granted in the Chickballapur Taluk —

Rec'd 10/9/98

Sd/- illegible
for Secretary

Sealed with off note.

7/2

Rec'd 23/11/98

Kolar District,

No. 1079 Gen 16 — 292

Deputy Commissioner's Office,

Kolar Camp Bowringpet, the 7th September 1908.

8

To

The Secretary to the Government of Mysore,

Revenue and General Departments.

Sir,

As required in your docket no. 1175, dated the 26th May 1908, calling for the submission of certain additional Romanized correspondence regarding the remission of land revenue of Rupees 9 to be granted in the Chintamani Taluk, I beg to submit herewith the original endorsement 3922, dated the 4th September 98, received with the Chintamani Amildari Report no. 20, dated the 3rd July 98

2. The other papers mentioned in your docket are in the file which is herewith resubmitted.

I have the honour to be,

Sir,

Your most obedient Servant,

A. Thumboo Chetty

Deputy Commissioner, Kolar District.

Draft for approval

To

The Deputy Commissioner
Kolaba

No 5655 Inward

No R.2730

Dy. 17.2.99.

His letter no: 607 dy 7/2/98
2492

submitting the vernacular records in connection with the permission of Rt Hon. proposed to be granted in the Hinta-mani Taluk for the year 1897-98 under the head "Land Revenue".

In returning herewith the vernacular record received with the above, the Deputy Commissioner is requested to place himself in Communication with the Supdt of Revenue Survey and submit a further report

Has the honor to request that the Hon'ble Govt will

after obtaining his opinion

report in the matter
together with the opinion
of the Govt Advocate for
the orders of Govt.

B.C.

V.
15/2/65
for Secretary

8

Deputy Commr's Office, Kolar.

Dated 29th June 1899.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

Section
File No 1402/97
Serial No 5
L 6

Adverting to your docket No: 5035/2750 dated the 17th February 1899 asking me to place myself in communication with the Survey Superintendent and obtain his views regarding the right of Venkatamma for the refund of the sale amount of Rupees 87, being the assessment produce of the trees standing on Kist of Survey No: 22 at Jogyanahalli village, Chintamani Taluk, I have the honor to forward herewith Survey Superintendent yadast No: 2852 dated 3rd instant with other correspondence connected with the case.

2 The Superintendent of Revenue Survey observes, that the Khaledar Venkatamma who enjoyed Inam No: 3 and 40 declined the occupation at the time of the settlement, and the Jamabandi Officer brought the whole of the Survey No: 22 in Khaledar Dig, he considers, deprived all the

8457

1899 July 17

FROM
The Crown Commissioner
Kolar district

To
The Secretary to the
Government of Mysore
Revenue & Genl Departments

Dated 29th June 1899

Despatched 4th July

Received

General No. 5373

No. 1111 } Survey records

Enclosure No. } Six papers and file

Intimating the issue of the Survey Superintendent's and the right of Venkatama in the refund of the cash amount of Rs 12 being the survey fees levied on 1st June 92 on Nagenahalli village Chinnakurali Taluk.

R

5.7.99

Submitted with papers
7/98
8/7.

Submitted with intimation of the office order
17/8

the mayi holder over the said 2 gentas, and his further refusal to pay of the assessment over the portion for the previous years, his entitlement to the said right.

3 I have perused the survey record accompanying this case and the remark in the "Khatiul patrik" confirms this view.

4 Though the land was brought under wasti, the individual seems to have been enjoying the produce of the trees ever since, and an order issued by the Special Assistant Commissioner (Sp: 106-) on 21st September 89 is relied on by the party as giving him a right for the enjoyment of the trees. It was perhaps under such considerations that my predecessor thought it necessary to submit a refund bill, enclosed with the records.

5 The survey records are also enclosed.

I have the honor to be,
Sir,
Your most obedient Servant.

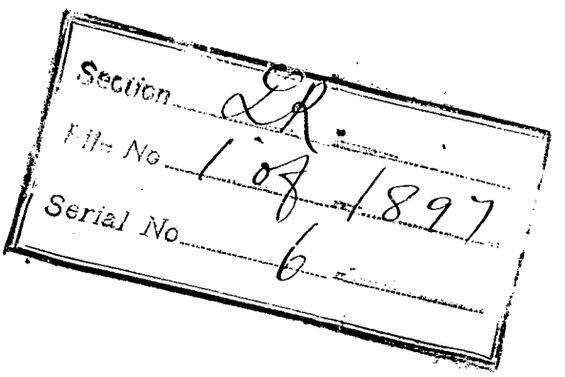
Deputy Commissioner
Kolar District.

Encl

Manuscript not found.

1900-1901

GOVERNMENT OF MYSORE



FINANCIAL

PROCEEDINGS

Dated 25th October 1900

No. 3389-90 / Fl. 315

Passing orders regarding the claim of one Venkatanna for the refund of the sale proceeds of Amarai produce of trees standing in Survey No. 22 at Jogyanahalli Village, Chintamani Taluk.

SBP—1-11-1900—200

READ—

Correspondence ending with letter No. 5373—1111, dated 29th June 1899, from the Deputy Commissioner, Kolar district, regarding the right of one Venkatanna for the refund of the sale amount of Rs. 10, being the value of the amarai produce of trees standing in part of Survey No. 22 at Jogyanahalli village, Chintamani taluk.

No. 3389-90—FL. 315, DATED BANGALORE, 25TH OCTOBER 1900.

ORDER THEREON—Prior to the Survey Settlement of the Chintamani taluk in 1887-88, Maji Nos. 37 and 40 of the Jogyanahalli village, measuring 2 kudus and 1½ padis and assessed at 1¼ annas, were in the occupancy of one Venkatanna. The lands were assessed at garden rates. The occupant of these lands had raised a tope thereon consisting of 40 trees including tamarind and other varieties and was in the enjoyment of their produce. The adjoining Maji Nos. 35, 38 and 39 also contained some trees which were planted by one Chaudaiya, grand-father of Venkatanna. During the Survey Settlement, Maji Nos. 37 and 40 were found to measure 12 guntas and were assessed at one rupee. Venkatanna refused to take up these lands, as borne out by the Survey Phaisal Patrika and the Phutkul Patrika; consequently all the Maji Nos. 35, 37, 38, 39 and 40 were clubbed together and formed into Survey No. 22, measuring 4 acres and 32 guntas, with a Phut kharab of 35 guntas and assessed at Rs. 11. But, as the Survey number contained a tope, it was treated wholly as kharab and the assessment thereon written off. On the 12th December 1887, Venkatanna petitioned the Deputy Commissioner stating that he did not refuse to take up the Maji Nos. 37 and 40, and requested that either the whole Survey No. 22 or only the portion which was in his enjoyment prior to the Survey Settlement might be given to him, or that he might be allowed to enjoy the produce of the tope. The Amildar, to whom the Deputy Commissioner referred the matter for enquiry and report, stated that the accounts of the year Parabhava (1846-47) showed that the amarai of the trees existing on the Government land included in Survey No. 22 belonged to one Chaudaiya, grand-father of the petitioner Venkatanna and that Maji Nos. 37 and 40 were in the occupancy of Venkatanna. Thereupon, the Deputy Commissioner directed the Amildar to make a note in the Phaisal Patrika to the effect that the petitioner Venkatanna should not cut living trees but might take dead trees planting new ones in their stead. This order was accordingly entered in the Phaisal Patrika. In the year 1890, Venkatanna again petitioned the Deputy Commissioner requesting that he might be allowed to take the produce of the tope as his right to the trees of the tope had been already conceded. On enquiry by the Amildar, Venkatanna in his deposition acknowledged that he was enjoying the produce of the trees existing on Maji Nos. 37 and 40 and requested that he might be allowed either to enjoy the produce of the trees planted by him on the Maji numbers or to take up Survey No. 22 wholly or partly on assessment. He refused at the same time to pay the price of the trees or to pay kandayam for previous years. In September 1891, the General Assistant Commissioner ordered that, as the petitioner himself admitted that he had been enjoying the produce of the tope planted by him, nothing need be done in the matter. An endorsement to this effect was issued to Venkatanna. Accordingly Venkatanna was in the enjoyment of the produce of the trees planted by him on Maji Nos. 37 and 40, and this was being excluded from the annual amarai sale of the village. In 1896-97, the produce of the said trees was included in the village amarai which fetched Rs. 16-3-3. Gopalappa, son of Venkatanna, who had died in the meantime, petitioned the Deputy Commissioner on the subject. On further enquiry, the Assistant Commissioner ordered that an amount of Rs. 10 out of the amount realized by the amarai sale of the village be paid to the applicant, and the sum was accordingly paid.

11- manuscript not found

Financial, dated 25th October 1900.

Thereupon, the Deputy Commissioner submitted to Government for sanction a remission statement for this amount. The Deputy Commissioner, who was asked to place himself in communication with the Superintendent, Revenue Survey, and to obtain his opinion in the matter, now reports that the Survey Superintendent is of opinion that as the Khatedar of Maji Nos. 37 and 40 declined the occupancy at the time of the Settlement and as the whole Survey No. 22 was in consequence brought under kharab, the Khatedar has no lien on the 12 guntas of land which was in his holding, and that his refusal to pay up the assessment on the portion for the previous years disentitled him to the said right. The Deputy Commissioner further states that the remark in the Phutkul Patrika confirms the view of the Survey Superintendent; that though the land was brought under Government waste, the individual seems to have been enjoying the produce of the trees ever since, on the authority of the General Assistant Commissioner's Order of 1891; and that it was perhaps under such considerations, the previous Deputy Commissioner thought it necessary to submit a remission statement.

2. Government observe that no case for any refund or remission has been made out. The records disclose local irregularities which ought then and there to have been corrected. The Survey Phaisal Patrika is conclusive to show that the individual concerned refused to take up his Maji land as surveyed and measured. This proceeding brought his title, if any, to a termination and he had no right whatever thenceforward either to the trees or to the enjoyment of the produce. The right to the dried trees was first conceded and then the right to the produce was recognised or rather acquiesced in. Such indirect and inconclusive orders, led to further assumptions of right when a deduction out of the amarai sale was ordered in his favor. All these irregularities should have been put a stop to at once. The applicant has no right to the land or to the trees. He abandoned both at the Survey Settlement. No refund can be sanctioned.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Kolar District, returning vernacular papers.
The Superintendent, Revenue Survey in Mysore.

Exd.—H.A.E.